



UNITED STATES DEPARTMENT OF COMMERCE
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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/333,998	06/16/99	YAMAZAKI	S 35.C10698-CI

005514
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

MM91/0328

EXAMINER

MACK, R

ART UNIT

PAPER NUMBER

2873

DATE MAILED:

03/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Abandonment

Application No.

09/333,998

Examiner

Ricky L Mack

Applicant(s)

YAMAZAKI ET AL.

Art Unit


2873

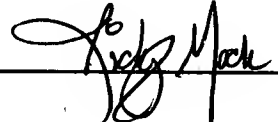
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; or (2) a timely filed Notice of Appeal (with appeal fee)).
 - (c) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance (PTO-85).
 - (a) ☐ The issue fee was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee set in the Notice of Allowance.
 - (b) ☐ The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
 - (c) ☐ The issue fee has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)), which expired on _____.
 - (b) ☐ The proposed new formal drawings filed _____ are not acceptable.
 - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant filed a CPA on 3/23/00 to correct inventorship (See Attached "Courtesy Copy").


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800

 3/23/00



COURTESY COPY

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	35.C10698 C/DI
	First Named Inventor	SHOICHI YAMAZAKI
	Examiner Name	R. MACK
	Group Art Unit	2873
	Express Mail Label No.	

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/333,998, filed on June 16, 1999, entitled
HEAD-UP DISPLAY DEVICE WITH CURVED OPTICAL SURFACE HAVING TOTAL REFLECTION (AS AMENDED).

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA end is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(e).

1. ☐ Enter the unentered amendment previously filed on _____
under 37 CFR § 1.116 in the prior nonprovisional application.
2. a. ☐ A preliminary amendment is enclosed.
b. ☐ The Applicant(s) presently intend(s) to file additional papers in this case shortly. Should the Examiner take this case up for action before receiving such papers, it is respectfully requested that the Examiner contact the attorneys for the Applicant(s).
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
 - a. ☒ DELETE the following inventor(s) named in the prior nonprovisional application:
TAKESHI NISHIMURA
 - b. ☐ The inventors to be deleted are set forth on a separate sheet attached hereto.
4. ☐ An Associate Power of Attorney is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR § 1.16(c) or (j))	24-20 =	4	X \$ 18.00 =	\$ 72.00
	INDEPENDENT CLAIMS (37 CFR § 1.16(b) or (i))	6-3 =	3	X \$ 78.00 =	\$ 234.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))			\$260.00 =	\$ 0.00
				BASIC FEE (37 CFR § 1.16(a))	\$ 690.00
			Total of above Calculations =		\$ 996.00
	Reduction by 50% for filing by small entity (Note 37 CFR §§ 1.9, 1.27, 1.28).				
	TOTAL =				\$ 996.00

6. Small entity status

- a. ☐ A Small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. ☒ A check in the amount of \$ 996.00 is enclosed.

8. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR § 1.16.
- b. ☒ Fees required under 37 CFR § 1.17.
- c. ☐ Fees required under 37 CFR § 1.18.

9. ☐ Other _____

NOTE:

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below

10. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label **05514** or ☐ New correspondence address below
(Insert Customer No. or Attach bar code label here)

NAME				
ADDRESS				
CITY	STATE	ZIP CODE		
COUNTRY	TELEPHONE	FAX		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	Daniel S. Glueck
SIGNATURE	
REGISTRATION NO.	37,838
DATE	March 22, 2000